

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBERT STRAHAN,)	
ID # 09062867,)	
Plaintiff,)	
vs.)	No. 3:09-CV-1710-M-BH
)	
DALLAS COUNTY/TEXAS, et al.,)	
Defendants.)	Referred to U.S. Magistrate Judge

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an Order of the Court, this case has been referred to the United States Magistrate Judge for findings, conclusions, and recommendation.

I. BACKGROUND

Plaintiff, an inmate currently incarcerated in the Dallas County Jail, filed this civil action and a motion to proceed *in forma pauperis* on September 15, 2009. By Notice of Deficiency and Order dated September 17, 2009, the Court notified him that he had not submitted the required inmate account certificate. The notice granted him thirty days to file the certificate and expressly warned that the failure to do so could result in the dismissal of this action pursuant to Fed. R. Civ. P. 41(b). Plaintiff submitted a second motion to proceed *in forma pauperis* and an unsigned declaration but no certificate. A notice dated October 7, 2009, advised Plaintiff that he had still not filed the required certificate, granted him another twenty days to file the certificate or pay the filing fee, and again warned him that the failure to do so could result in dismissal. Plaintiff has still not filed the required certificate.

II. INVOLUNTARY DISMISSAL

Rule 41(b) of the Federal Rules of Civil Procedure permits a court to dismiss an action *sua*

sponte for failure to prosecute or follow orders of the court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). This authority flows from a court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962). Plaintiff has failed to comply with two orders that he submit the required certificate of inmate trust account. He has also not paid the filing fee in this action. These actions indicate that he does not intend to proceed with this case, so the Court should dismiss his complaint.

III. RECOMMENDATION

Plaintiff's complaint should be dismissed without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

SIGNED this 30th day of November, 2009.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of these findings, conclusions and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions and recommendation must file specific written objections within 10 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE